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|   |   |          |
|---|---|----------|
| In re Application of:                       | : |          |
| LEE, Yong-Su, et al.                        | : | DECISION |
| U.S. Application No.: 10/583,164            | : |          |
| PCT No.: PCT/KR2004/003343                  | : |          |
| International Filing Date: 17 December 2004 | : |          |
| Priority Date: 17 December 2003             | : |          |
| Atty Docket No.: 1403-7 PCT US              | : |          |
| For: Automatic Gain Control Apparatus       | : |          |
| And Method In Orthogonal Frequency          | : |          |
| Division Multiplexing                       | : |          |

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 22 August 2007, treated herein in part as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date to 16 June 2006. No petition fee is required.

**BACKGROUND**

On 17 December 2004, applicants filed international application PCT/KR2004/003343. The international application claimed a priority date of 17 December 2003 and it designated the United States. On 30 June 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was 17 June 2006, i.e., thirty months from the priority date.

On 16 June 2006, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 22 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 25 May 2007, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration and payment of the required surcharge.

On 18 July 2007, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 25 May

2007. Also on 18 July 2007, a filing receipt was issued that identified the "Filing Date or 371(c) Date" as 25 May 2007.

On 22 August 2007, applicants filed the "Request For Corrected Filing Receipt" considered herein. The submission requests correction of the "Filing Date or 371(c) Date" listed on the filing receipt from 25 May 2007 to 16 June 2006.

### **DISCUSSION**

The present petition requests that the "Filing Date or 371(c) Date" listed on the filing receipt be corrected from 25 May 2007 to 16 June 2006. The "Filing Date or 371(c) Date" listed on the filing receipt for a national stage application filed under 35 U.S.C. 371 is the date of completion of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). See MPEP 1893.03(b).

In the present application, the final requirement of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), that is, the executed declaration required under 35 U.S.C. 371(c)(4), was not submitted until 25 May 2007. Accordingly, the listing of 25 May 2007 as the "Filing Date or 371(c)" on the filing receipt mailed herein was proper. Applicants' request that this date be corrected to 16 June 2006, a date prior to the completion of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), is therefore appropriately dismissed.

### **CONCLUSION**

The petition to correct the 35 U.S.C. 371(c) date from 25 May 2007 to 16 June 2006 is **DISMISSED** without prejudice.

The Notification Of Acceptance and filing receipt mailed 18 July 2007 both properly identify the 35 U.S.C. 371(c) date herein as 25 May 2007, the date on which applicant filed the executed declaration required by 35 U.S.C. 371(c)(4).

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.



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